

1 KEKER & VAN NEST, LLP  
2 JEFFREY R. CHANIN - #103649  
3 DARALYN J. DURIE - #169825  
4 ASHOK RAMANI - #200020  
5 710 Sansome Street  
6 San Francisco, CA 94111-1704  
7 Telephone: (415) 391-5400  
8 Facsimile: (415) 397-7188

9  
10 Attorneys for Plaintiff  
11 NETFLIX, INC.

12  
13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15  
16 NETFLIX, INC., a Delaware corporation,

17 Plaintiff,

18 v.

19 BLOCKBUSTER, INC., a Delaware  
20 corporation, DOES 1-50,

21 Defendant.

22 Case No. C 06 2361 WHA

23 **STIPULATION CONTINUING HEARING  
& [PROPOSED] ORDER**

24 Complaint filed: April 4, 2006  
25 Date: TBD  
26 Time: TBD  
27 Dept: Courtroom 9, 19th Floor  
28 Judge: Hon. William H. Alsup

29  
30 **AND RELATED COUNTERCLAIMS**

1        WHEREAS, on October 11, 2006, proposed intervenor Dennis Dilbeck ("Dilbeck") filed  
2 a motion requesting to intervene in this case, with a hearing date set for November 16, 2006;

3        WHEREAS, Plaintiff and counterclaim defendant Netflix, Inc. ("Netflix") and defendant  
4 and counterclaimant Blockbuster Inc. ("Blockbuster") were not aware of Dilbeck's request to  
5 intervene until they received his motion through the Court's Electronic Case Filing system;

6        WHEREAS, the parties therefore have been permitted only two weeks to consider their  
7 position on the proposed intervention and submit briefing on their position, and additional time  
8 to consider and brief the issues presented by Dilbeck's request for intervention would be helpful  
9 to the parties and will enhance their ability to assist the Court in reaching a decision on the  
10 motion through their briefing;

11        WHEREAS, counsel for Dilbeck Scott Kamber has stated to Netflix's counsel Ashok  
12 Ramani and Blockbuster's counsel William O'Brien today that he does not oppose this request  
13 for continuance of the hearing;

14        WHEREAS, no changes in the schedule of this case would be necessitated by continuing  
15 this hearing;

16        WHEREAS, the only previous modifications of time in this case were to allow  
17 Blockbuster additional time to respond to Netflix's complaint;

18

19

20

21

22

23

24

25

26

27

28

1 THEREFORE, Netflix and Blockbuster respectfully request that this Court enter an order  
2 continuing the date for the hearing on Dilbeck's motion until November 30, 2006 at 8 a.m., and  
3 with the briefing schedule being adjusted accordingly under the Local Rules.

4

5 Dated: October 19, 2006

Respectfully submitted,

6

KEKER & VAN NEST, LLP

7

8

By: /s/ Ashok Ramani

9

Attorneys For Plaintiff and Counterclaim  
Defendant NETFLIX, INC.

10

Dated: October 19, 2006

Respectfully submitted,

11

ALSCHULER GROSSMAN STEIN & KAHAN  
LLP

12

13

By: William O'Brien/by RB

14

Attorneys For Defendant and  
Counterclaimant BLOCKBUSTER INC.

15

16

Pursuant to stipulation, IT IS SO ORDERED.

17

18

Dated:

19

20

By:

21

THE HON. WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE

22

23

24

25

26

27

28